

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

TYRONE LESLIE FARRIS,

Petitioner,

v.

JIMMY MARTIN, et al.,

Respondent.

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Case No. CIV-18-738-R

ORDER

Before the Court is Petitioner Motion for Reconsideration Denial of District Judge Dismissal of the Case (Doc. No. 84). For the reasons set forth herein, Petitioner’s motion is DENIED.

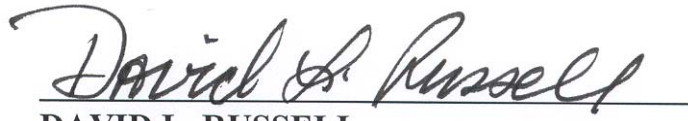
Petitioner, a state prisoner appearing pro se, filed this action pursuant to 28 U.S.C. § 2241 arguing that the Oklahoma Department of Corrections deprived him of various credits to his sentence to which he is entitled. He contends that if properly credited those days would have discharged his sentence. The Court dismissed the petition as untimely on February 10, 2021, and Petitioner’s appeal, filed at the same time as the instant motion, was dismissed by the United States Court of Appeals for the Tenth Circuit as untimely on May 28, 2021. (Doc. Nos. 82 and 90).

In support of his motion Petitioner relies on Rule 60(b)(6) of the Federal Rules of Civil Procedure, which permits the Court to relieve a party from final judgment for “any other reason that justifies relief.” Petitioner contends in part a party may rely on Rule 60(b)(6) “where the motion [is] based on the contention that District Court judge rendering

judgment should have disqualified himself for lack of impartiality under 28 USCS § 455(a).” Thereafter, however, Petitioner proceeds to argue the merits of his petition, not addressing the alleged judicial bias, a claim the Court has rejected repeatedly in the past. The remainder of the motion is a rehashing of arguments previously rejected or not considered because of the untimeliness of Petitioner’s request for habeas relief or not relevant to this habeas action. Additionally, Mr. Farris repeatedly objects to the Report and Recommendation although that document is no longer up for consideration in light of the Court’s February 10, 2021 Order and Judgment.

For the reasons set forth herein, Petitioner’s Motion for Reconsideration is DENIED. His previously filed Motion for Leave to Appeal In Forma Pauperis (Doc. No. 87) is DENIED AS MOOT in light of the dismissal of his appeal.

IT IS SO ORDERED this 16th day of June 2021.



DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE